

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ALPHA FINANCIAL MORTGAGE,)	
INC., <i>et al.</i> ,)	
)	
Plaintiffs,)	Civil Action No. 09-814
)	
v.)	Judge Fischer
)	Magistrate Judge Bissoon
DONALD A. BAUGH, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

On October 19, 2009, this case was referred to United States Magistrate Cathy Bissoon for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.C and 72.D of the Local Rules for Magistrates.


Also on October 19, 2009, the magistrate judge issued a Report (Doc. 14) recommending that Defendants' Motions to Dismiss (Docs. 8 & 10) be denied, and that this case be remanded to state court for lack of federal subject matter jurisdiction.

Service of the Report and Recommendation was made on the parties, and no objections have been filed. After a review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, on this 3rd day of November, 2009, IT IS HEREBY ORDERED that Defendants' Motions to Dismiss (**Docs. 8 & 10**) are **DENIED**, and this case is **REMANDED FORTHWITH** to the Court of Common Pleas of Fayette County, Pennsylvania,

under 28 U.S.C. § 1447(c).¹

The Report and Recommendation of Magistrate Judge Bissoon dated October 19, 2009 is hereby adopted as the Opinion of the District Court, and the Clerk is directed to mark this case closed.



Nora Barry Fischer
United States District Judge

cc (via email):

All Counsel of Record

¹ To be clear, removal of this case was neither sought, nor considered by the Court, under 28 U.S.C. § 1443. *Compare* Notice of Removal (Doc. 1) at ¶ 13 (claiming removal jurisdiction under 28 U.S.C. § 1331 and § 1343(a)(3)) *with* New Jersey v. Thomas, 2009 WL 2903654, *1 (3d Cir. Sept. 11, 2009) (“[a]n order remanding a case to the State court from which it was removed is not reviewable on appeal unless the case was removed pursuant to § 1443”) (citing and quoting 28 U.S.C. § 1447(d)).